

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44781 of 2016

Arising Out of PS.Case No. -235 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Kunal Kumar, Son of Shankar Singh
 2. Chandan Kumar, Son of Shankar Singh, Both Resident of Village-Ladiya, Police Station Lakhisarai, District - Lakhisarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Sevak Choudhary

For the Opposite Party : Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 08-12-2016 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Lakhisarai P.S. Case No. 235 of 2016 registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

Petitioners are named in the first information report on the accusation that they along with others took the



deceased and after that the dead body of the deceased was recovered. Moreover, having more or less similar allegation, prayer for anticipatory bail of co-accused, Rajesh Singh has already been rejected by a co-ordinate Bench of this Court vide order dated 26.09.2016 passed in Cr. Misc. No. 31669 of 2016.

Therefore, taking note of the aforesaid fact as well as submissions of the parties, I do not feel it proper to extend the privilege of anticipatory bail to petitioners. Hence, their prayer for anticipatory bail in connection with Lakhisarai P.S. Case No. 235 of 2016 pending in the court of Chief Judicial Magistrate, Lakhisarai stands rejected.

However, it is made clear that some co-accused, having more or less similar allegation, have already been granted regular bail by this Court and therefore, if petitioners surrender before the court below and seek regular bail within six weeks from the date of receipt/production of copy of this order, the court below shall dispose of regular bail application of the petitioners on the day of their surrender and thereafter, if any regular bail application is filed on behalf of the petitioners before the learned Sessions Judge, Lakhisarai, the same shall be considered on its own merit without being



prejudiced by this order, particularly, keeping in mind that having similar allegation, some co-accused have already been granted privilege of bail by this Court.

(Hemant Kumar Srivastava, J)

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